

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEE CLAY,

Plaintiff,

v.

Case No. 07-14634

CITY OF DETROIT, DONDRE PENN, and
KEVIN TREASVANT,

District J. Arthur J. Tarnow

Magistrate J. Paul K. Komives

Defendants.

**ORDER DENYING PLAINTIFF'S OBJECTION [53] TO PORTION OF ORDER [51] DENYING
REQUEST FOR FEES;
ADOPTING REPORT AND RECOMMENDATION [81];
REJECTING DEFENDANTS' OBJECTIONS [89] TO ORDERS [85, 86] GRANTING PLAINTIFF'S
MOTIONS [74, 75] TO COMPEL;
REJECTING DEFENDANTS' OBJECTIONS [99] TO ORDER [96] DENYING DEFENDANTS' MOTION
[90] FOR A SHOW-CAUSE ORDER;
AND DEFAULTING DEFENDANTS AS TO LIABILITY**

Before the court are plaintiff's objections to a portion of an order denying plaintiff's request for fees; the report and recommendation that default be entered as to liability for defendants' failure to complete depositions by January 30, 2009; defendants' objections to orders granting plaintiff's motions to compel; and rejecting defendants' objections to an order denying defendants' motion for a show-cause order.

Plaintiff's objections are REJECTED.

The report and recommendation is ADOPTED. Although defendants did not provide Officers York and Perdue-Eaddy by the end of January 2009 for depositions, defense counsel did move for an enlargement of time that provides a reasonable explanation for the inability to complete the depositions by the end of January, 2009. The court would not have defaulted defendants as to liability solely for their non-compliance with M.J. Komives's order that these two depositions be completed by January 30, 2009.

However, the court has learned that the depositions have still not been completed. Accordingly, defendants are DEFAULTED as to liability and a trial will be set only on damages.

Defendants' objections regarding the order granting plaintiff's motions to compel are REJECTED.

Defendants' objections to the order denying their motion for a show-cause order are also REJECTED, because plaintiff has stated that Mr. Clay will not be called as a witness at a trial limited to damages.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: May 28, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 28, 2009, by electronic and/or ordinary mail

S/FELICIA M. MOSES
Relief Case Manager